

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action.

Status of the Claims

Claims 1-18 are pending. Claims 3, 17 and 18 are currently amended. No claims are canceled. No claims are added. No new matter has been added as a result of these amendments.

Summary of the Office Action

Claims 1-16 are allowed.

Claim 3 stands objected to because of informalities.

Claims 17 and 18 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Response to Objections

The application stands objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. Applicant respectfully submits that submitted herewith is the proper assent of the assignee under 37 CFR 1.172 as well proof of ownership in compliance with 37 CFR 3.73. Accordingly, Applicant respectfully requests that the objection to the application be withdrawn.

Claim 3 stands objected to because of informalities. In particular, the Office Action states that lines 2 and 4 should read, "... having ~~the a~~ same state ...," and "... having ~~the a~~ complement state ..." respectively. Applicant respectfully submits that claim 3 has been amended as suggested by the Examiner. Accordingly, Applicant respectfully requests that the objection to claim 3 be withdrawn.

Response to Rejections under 35 U.S.C. § 101

The Office Action rejected claims 17 and 18 under 35 U.S.C. § 101, because the claimed invention is allegedly directed to non-statutory subject matter. In particular, the Office Action states the claims are allegedly not directed to a practical, tangible embodiment of a product with a real world use. Applicant respectfully submits that claims 17 and 18 have been amended to include the feature of a “tangible medium” which has been found to constitute patentable subject matter. Accordingly, Applicant respectfully requests that the rejection of claims 17 and 18 under 35 U.S.C. § 101 be withdrawn.

Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 1-16 are allowed.

CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. The Examiner is invited to contact Applicant’s representative Larry Johnson at (408) 545-7194 if the Examiner believes such action would expedite examination of the present application.

Please charge any additional fees under 37 C.F.R. §§ 1.16, 1.17, 1.18, 1.20 and 1.21 that may be required to maintain pendency of the present application, or apply any credits to PTO deposit account number: 02-2666.

Respectfully submitted,
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